

NEFTEL et al
Appl. No. 10/565,810
November 24, 2008

AMENDMENTS TO THE DRAWINGS

The Examiner has objected to certain drawings. In line with the Examiner's helpful comments and requests, attached are replacement sheets of the drawings identified by the Examiner. No new matter has been added.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Claims 1-65 are pending in the application. Favorable reconsideration is requested.

The Abstract has been amended in line with the Examiner's comments. No new matter has been added. Applicant submits that the amendments to the Abstract overcome the objection to the Abstract.

The claims have been amended in line with the Examiner's comments, including the amendment of claim 65 as supported by the specification, e.g., page 6. No new matter has been added. Applicant submits that the claim amendments overcome the Section 112 rejections.

Replacement sheets of the drawings objected to by the Examiner are attached hereto (and have been scanned in color, but realizing that the USPTO database may only offer them in black and white). A few of the drawings have been amended as specifically requested by the Examiner. The other drawings have not been amended, but clearer versions are simply being submitted. No new matter has been added. Applicant submits that the replacement sheets overcome the drawing objections. In this regard, if the Examiner cannot view the colored drawings, and would like color copies emailed to him, applicant is willing to do so. Applicant and the undersigned sincerely believe that color copies would assist the Examiner in better understanding the patentable nature of the invention. The Examiner is encouraged to phone the undersigned in order to arrange for color copies to be emailed or hand delivered to the Examiner.

Turning to the prior art rejections, the following rejections have been lodged against the claims:

1. In paragraph number 15 on pages 5-12 of the Office Action, Claims 1, 2, 8, 9, 17, 19-21, 26, 30, 41-45, 48, 54, 56-58, 61, 64, and 65 are rejected under 35 U.S.C. 103(b) as being anticipated by U.S. Patent No. 5,350,357 to Dean Kamen, et. Al., (Kamen).
2. In paragraph number 17, on pages 12-15 of the Office Action, Claims 3, 4, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of U.S. Patent No. 5,437,629 to Milton H. Goldrath (Goldrath).
3. In paragraph number 18 on pages 15-19 of the Office Action, Claims 6, 7, 40, 47, 49, 51, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of European Patent Application Publication EP 1 195 171 A2 to Suzuki, Minoru et al. (Suzuki).
4. In paragraph 19 on pages 19-24 of the Office Action, Claims 12, 35-39, 50, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of U.S. Patent No. 4,758,228 to David R. Williams (Williams).
5. In paragraph number 20 on pages 24-25 of the Office Action, Claims 15 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of U.S. Patent No. 5,683,233 to Ahmad-Maher Moubayed et al. (Moubayed).
6. In paragraph number 21 on pages 25-27 of the Office Action, Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen, as modified by Williams, as applied to claim 12 above, and further in view of Moubayed.
7. In paragraph number 22 on page number 27 of the Office Action, Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen, as modified by Williams and Moubayed, as applied to claim 28 above, and further in view of U.S. Patent No. 2,684,829 to Roland McFarland Jr. (McFarland).
8. In paragraph number 23 on page number 28 of the Office Action, Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen, as modified by Williams, as applied to claims 12 above, and further in view of U.S. Patent No. 4,530,647 to Fumio Uno (Uno).

9. In paragraph number 24 on pages 28-29 of the Office Action, Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen, as modified by Williams, as applied to claims 12, 35-39, and 55 above, and further in view of U.S. Patent No. 5,840,066 to Reginald D. Robinson (Robinson).
10. In paragraph number 25 on pages 29-30 of the Office Action, Claim 18 is rejected under 35 U.S.C. 103(a) as being patentable over Kamen in view of U.S. Patent No. 5,478,211 to Dominiak et al. (Dominiak).
11. In paragraph number 26 on pages 30-32 of the Office Action, Claims 31, 34, 46, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of US Patent No. 4,828,545 to Paul Epstein, et al. (Epstein).
12. In paragraph number 27 on page 33 of the Office Action, Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of U.S. Patent No. 4,952,372 to Bernhard Huber (Huber).
13. In paragraph number 28 on pages 33 – 34 of the Office Action, Claims 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of U.S. Patent No. 4,586,920 to Alan M. Peabody (Peabody).
14. In paragraph number 29 on pages 35-38 of the Office Action, Claims 22, 32, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of U.S. Patent No. 2,684,829 to Rolland McFarland Jr. (McFarland).
15. In paragraph number 30 on pages 38-39 of the Office Action, Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen in view of McFarland as applied to claim 22 above, and further in view of European Patent Application Publication EP 1 195 171 A2 to Suzuki, Minoru et al. (Suzuki).

In essence, all of the rejections cite Kamen as the sole primary reference.

Applicant respectfully traverses the rejections for at least the following reasons.

Kamen does not disclose key features of the claimed invention, and the cited secondary references do not overcome Kamen's deficiencies. In contrast to the claimed invention where the pump is separate from the liquid distribution system, Kamen discloses a device in which the liquid pump is in the liquid distribution system.

Furthermore, the Kamen pump is a different type of pump compared to the applicant's pump, i.e., Kamen's membrane pumping chambers versus applicant's peristaltic pump. The different locations and functions of the Kamen elements compared to applicant's elements have a significant impact on the way in which the liquids are moving within the two different (Kamen and applicant's) liquid distribution systems.

For example, in claim 1, please note the applicant's critical feature of "the first hub chamber including at least one liquid supply port with dedicated valve means," which is not disclose or suggested by Kamen (nor can Kamen be modified in this fashion). The Examiner appears to assume that in Kamen the hub chambers are represented by fluid paths F8 and F9. However, those fluid paths are "branch paths" according to Kamen's own definition, which means that they are not in direct contact with the external environment. In other words, Kamen's "branch paths" cannot simultaneously be "primary paths." See, in particular, column 9, lines 39-47. This is another major difference with the claimed invention.

For at least the foregoing reasons, Kamen's device is quite different both structurally and functionally than the invention in claim 1. Thus, Kamen does not disclose or suggest the invention of claim 1. Moreover, Kamen cannot be modified in any reasonably apparent fashion based on the teachings of the secondary references in order to arrive at the invention of claim 1. As a result, claim 1 is novel and non-obvious over the cited prior art.

In view of the foregoing amendments and remarks, and the attached replacement sheets, applicant submits that the application is in condition for allowance. A notice to that effect is earnestly solicited.

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If the Examiner has any questions concerning this case, or would like color drawings to be emailed or hand delivered to him, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

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